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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

14 Cr. 550 (PKC)

5 JOHN RE,

6 Defendant.

7 -----x

8 October 30, 2014
9 2:20 p.m.

10 Before:

11 HON. P. KEVIN CASTEL,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 BY: ANDREW C. ADAMS

18 Assistant United States Attorney

19 FEDERAL DEFENDERS OF NEW YORK

Attorneys for Defendant

20 BY: ANNALISA MIRÓN

21 CHRISTOPHER FLOOD

22 ALSO PRESENT:

23 MEREDITH SAVONA, F.B.I.
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(Case called)

MR. ADAMS: Good afternoon, your Honor. Andrew Adams for the United States. With me at counsel table is Special Agent Meredith Savona of the F.B.I.

THE COURT: Good afternoon to you both.

For the defendant.

MS. MIRÓN: Good afternoon. Federal Defenders by Annalisa Mirón. Also accompanying me is Christopher Flood and John Re.

THE COURT: Good afternoon to you all.

MR. FLOOD: Good afternoon, your Honor.

THE COURT: It seems that the last time we were together was on September 15 of this year. Let me hear from Ms. Mirón as to subsequent developments.

MS. MIRÓN: Sure. So we received the bulk of discovery after that court appearance, but we are still continuing to receive a little bit more from the government.

The parties are close to a resolution in this matter, and I would anticipate that we would have any resolution by December 1, so I would ask the court to consider adjourning until that date to see if the parties can reach an agreement.

THE COURT: Let me hear from the government.

MR. ADAMS: Your Honor, that's correct. The bulk of discovery was produced shortly after the last conference. There has been some information that has continued to come in,

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1 and there may be more that does continue to come in from
2 different recipients, subpoenas and witnesses, but I expect
3 that the vast majority has been provided.

4 It is correct we are having discussions about a
5 disposition, and I agree with Ms. Mirón that setting another
6 date to come back before your Honor probably makes sense at
7 this point.

8 THE COURT: It is my plan that if the case is not
9 resolved at the next conference, I would set a schedule to
10 bring the case to trial, but I will put it over to December 1
11 at noon and hear the government's application.

12 MR. ADAMS: Yes, your Honor. I would request that
13 time under the Speedy Trial Act be excluded to permit Ms. Mirón
14 and Mr. Flood to continue considering potential defenses, in
15 particular mental condition defenses that we discussed at the
16 last conference, and to review the discovery that has continued
17 to come in since our last conference.

18 THE COURT: All right. Ms. Mirón, do you have any
19 doubts as to the defendant's competence to proceed in this
20 case?

21 MS. MIRÓN: Not as to competency. He is fully
22 competent. We are having him evaluated by a psychiatrist, and
23 that may be useful for mitigation at sentencing if we reach a
24 resolution.

25 THE COURT: Understood. I just didn't want an

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1 ambiguous record.

2 MS. MIRÓN: I understand.

3 THE COURT: Any objection to the request for
4 exclusion?

5 MS. MIRÓN: No.

6 THE COURT: I find that the ends of justice will be
7 served by granting a continuance to December 1 and the need for
8 a continuance outweighs the best interests of the public and
9 the defendant in a speedy trial. The reasons for my findings
10 are that the time is needed to enable defense counsel to confer
11 with their client, consider their options, to consider the
12 materials that have been produced in discovery, and
13 accordingly, the time between today and December 1 is excluded
14 you under the Speedy Trial Act.

15 Anything further from the government?

16 MR. ADAMS: No, your Honor.

17 THE COURT: From the defendant?

18 MS. MIRÓN: No, your Honor.

19 THE COURT: All right. Thank you all very much.

20 MR. ADAMS: Thank you.

21 MS. MIRÓN: Thank you, your Honor.

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